



**DEPARTMENT OF ENVIRONMENTAL QUALITY
POLICY AND PROCEDURES**

SUBJECT: Policy on Public Involvement
In Department Programs and
Activities

Number: 09-007

Date: April 5, 2002

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Revision: February 21, 2003
January 14, 2005
DRAFT March 2017

ISSUE:

Public involvement is a vital part of many programs administered by the Michigan Department of Environmental Quality (MDEQ). A successful public involvement process ensures that those who are most likely affected by a MDEQ decision are notified, understand the proposed decision, and have an opportunity to provide meaningful input prior to MDEQ action.

POLICY:

The legal framework of public involvement in MDEQ activities is established by the various enabling statutes administered by the MDEQ and the Administrative Procedures Act, 1969 PA 306, as amended, and is contained in requirements of federally delegated programs. While some specific aspects of public involvement are particular to the statutory and regulatory framework of individual programs, public involvement lead by the MDEQ will be based on the following underlying principles:

- The decision-making process should foster fairness, understanding, and engagement. It should be transparent, occurring in steps, and in a time frame that is understood and predictable by involved parties. The decision-maker should be readily identifiable before the decision is made. Each decision should be based on the technical merits of a proposal and decision-making criteria established by law. The basis for the decision should be available to the public, and the MDEQ is accountable for the decision.
- The public should have the opportunity for a meaningful role in the MDEQ's activities: The public should have access, consistent with state law, to information and the evaluation of information involved in the decision. The MDEQ should be able to explain its decision and how relevant and timely comments were considered in that decision thereby affording an involved participant the ability to ascertain that his or her interests were heard and considered.

Nondiscrimination Policy/Notice

The MDEQ does not discriminate on the basis of race, sex, religion, age, national origin, color, marital status, handicap, disability, political beliefs, height, weight, genetic information, or sexual orientation in any of its programs or activities.

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The MDEQ shall post this notice in a prominent place in the building, on the website, and include the statement on appropriate publications.

Methods of notice shall accommodate those with impaired vision or hearing and those with Limited English Proficiency (LEP).

Public Participation

In addition to the required public participation specified in laws and rules, the MDEQ shall publish all permits under review, times and locations of public meetings and hearings, and open public comment periods in a department calendar. The calendar will be updated at least monthly. For each entry, the calendar will identify at least one point of contact and include telephone numbers and e-mail addresses for the contacts. In addition the calendar will be e-mailed to all individuals that request it and published on the MDEQ website.

Notice of Community Needs Assessment

For all public comment period notices the MDEQ will solicit information from the community including methods to effectively inform residents, identification of needs and services for individuals with LEP, identification of needs of individuals with disabilities, and locations and times suitable for public meeting spaces. This information will be used to address community concerns, determine methods to effectively inform residents, identify needs and services for individuals with LEP, individuals with disabilities, locate suitable public meeting spaces, and provide basic background information on the pending action to the affected community. The following Notice of Community Needs Assessment will be added to all MDEQ Public Notices:

In order to effectively engage and communicate with the affected community please inform us through the public comment process of any needs of the community including;

- *Limited English Proficiency related needs:*
 - *If you identify Limited English Proficiency needs please advise us if you prefer us to work with translators from your community.*
- *Disability needs, including:*
 - *Accessibility*
 - *Sight*
 - *Hearing.*
- *The time of day that works best for residents of your community to meet.*
- *Preferred meeting places that meet the needs of your community.*
- *Any other concerns in order to meet the unique needs of the community.*

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Community Engagement

MDEQ recognizes community engagement, including co-planning and co-sponsoring of events, is critical to successful public participation. To the extent practical and given the statutory and regulatory framework of individual programs, MDEQ will determine effective public participation strategies in coordination with affected communities. Where feasible and permitted by statute, MDEQ will partner with community organizations to plan events including information sessions, public meetings and public hearings. Groups involved will share responsibility for the events and will be responsible for determining event logistics such as where, when and how events will be conducted. It is the intention of the MDEQ that local community members will take leadership roles in these events, including serving as translators, facilitators and panelists.

Additionally the MDEQ will undertake the following actions

- 1) MDEQ will encourage permit applicant(s) to meet with community stakeholders to promote open dialogue early in the permitting process for appropriate permitting actions. As discussed below, preferably initial public outreach occurs prior to the submission of a permit application.
 - a) In such cases, the applicant(s) will be encouraged to provide notice to residents located in and around affected communities about the pending permit application and the proposed project, and to provide basic information about the project to interested residents.
 - b) The applicant(s) are encouraged to develop a Community Relations Plan to structure ongoing dialogue with neighboring communities.
- 2) MDEQ will provide the community with information regarding proposed projects via ongoing engagement with community leaders, public officials, environmental groups, concerned citizens and the affected source.
- 3) MDEQ will make fact sheets available on the Agency's webpage or via a link from the Agency's webpage when appropriate. Written information will be made available for persons without internet access when requested.
- 4) Public Notices will be written in terminology and languages easily understood by the majority of readers, except where specific public notice language is otherwise required. When required, notices will be placed in legal notice sections or other sections of local publications.

Public Meetings

- 1) Informational meetings – The MDEQ and/or the source may hold an informational meeting or availability session.
 - a) For permitting transactions, the purpose of the meeting is to inform the residents in and around an affected community of the scope and nature of the project in a timely, interactive manner and explain the permitting process. Informational meetings may be held prior to a public hearing or may be held when a public hearing is not required.

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- b) Informational meetings may also be held to explain enforcement related matters, remediation projects or other MDEQ activities that are of concern to the public.
- 2) Public hearings – The MDEQ will make a good faith effort to provide an interpreter when it is known that residents do not speak English very well or when the MDEQ receives a request for an interpreter within two weeks of any public hearing or meeting and when the need for an interpreter is adequately justified.

Fact Sheet and Project Summary

- 1) MDEQ will provide a plain language summary of the major aspects of the proposed project, including the purpose and location of the proposed activity and facility, and any anticipated environmental impacts, and any controls or work practices that will limit those impacts.
 - a) As appropriate, the MDEQ will translate fact sheets into the predominate language of the community if it is not English.
- 2) Document Availability
 - a) The MDEQ will take every effort to make information available to residents in affected communities in a timely and efficient manner.
 - b) The MDEQ may create document repositories, place information on the Internet and provide information through the Michigan Freedom of Information Act.

The MDEQ will utilize information gathered from communities and the four factor test outlined below to determine when public notices should be bi- or multi-lingual, and when translators should attend hearings

Limited English Proficiency

As set forth below, it is the policy of the MDEQ to translate Vital Documents into the non-English language of each regularly encountered LEP group eligible to be served or likely to be affected by the program or activity based on the four factor test outlined below.

A Vital Document is any document that is critical for ensuring meaningful access to MDEQ's major activities and programs by beneficiaries, generally, and LEP persons, specifically. Whether or not a document is "vital" may depend upon the importance of the program, information, encounter, or service involved, and the consequence to the LEP person if the information in question is not provided accurately or in a timely manner.

Information received from communities will help determine which documents are vital to the meaningful access of the LEP populations and what language services may be needed to provide meaningful access to individuals with LEP.

MDEQ will balance the four factors below when determining which documents to translate:

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1. Factor 1: The Number and Proportion of LEP Persons Served or Encountered in the Service Area.

- MDEQ will: Examine their prior experiences with LEP individuals and determine the breadth and scope of language services that are needed. Seek and examine demographic information regarding minority populations and foreign languages predominately spoken in the service area. Such information may be attained from the U.S Census, school systems, community organizations, local governments, and through the MDEQ public comment process outlined above.

2. Factor 2: The Frequency with Which LEP Individuals Come into Contact with MDEQ Programs, Activities, and Services.

- MDEQ will: Assess as accurately as possible, the frequency with which they have or should have contact with LEP individuals from different language groups seeking assistance. This information will be gathered from MDEQ staff who interact with customers daily.
- Consider the frequency of different types of language contacts. Less frequent contact with different language groups may suggest a different and/or less intensified solution.

3. Factor 3: The Importance to LEP Persons of Program Activities and Services.

- MDEQ will: Identify the programs, services, or activities that would have a serious consequence if language barriers prevent LEP person's access to them.
- A determination will be made as to the impact on actual and potential services to LEP beneficiaries.

4. Factor 4: The Resource Available to the Recipient and Costs.

- This last step in the four-factor analysis allows an area to weigh the demand for language assistance against the organization's current and projected financial and personnel resources. This analysis should help determine if the language services it currently provides are cost effective, and should also help the organization plan future investments that will provide the most needed assistance to the greatest number of LEP persons within the limits of organization resources. MDEQ will also develop relationships with local community groups to engage them in the translation of documents.

Accessibility

It is the policy of the MDEQ to assure all facilities that are used for public meetings and hearings are physically accessible for individuals with disabilities.

The MDEQ will provide meaningful public participation for individuals with disabilities by providing appropriate aids and services to individuals that are deaf or hard of hearing, and to other individuals as necessary.

Public comment periods will be used to determine appropriate aids and services to individuals that are deaf or hard of hearing and to other individuals as necessary.

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Continuous Improvement

It is the policy of the MDEQ to continually improve public involvement in MDEQ programs and activities. Because of the differences in the details among the variety of MDEQ programs, this policy does not describe how such improvements are to be made or a specific process to facilitate public involvement. Rather, each program division and office should continually consider and implement means to improve public involvement in the administration of its programs. In doing so, program managers should consider, at a minimum, the following:

- Increasing staff skills for working with the public, including communication skills, conflict resolution, and public meeting facilitation.
- Encouraging staff involvement in work-related professional organizations and their local communities.
- Identifying opportunities for increasing the effectiveness of public involvement, including the timing and nature of public notice and input.
- Facilitating public understanding of issues before the MDEQ, including notice of pending decisions, the factors that the MDEQ considers in reaching a decision, the technical information that MDEQ has before it in the decision-making process, and the basis of the decision when it is made.
- Advancing the public's understanding of, and ability to work within, the MDEQ organizational structure and decision-making processes.
- Improving working relationships with local units of government and non-governmental organizations, including stakeholders, Community groups and the media.
- Improving the technical means by which the MDEQ conveys and receives information, including use of the internet.
- Establishing a group to facilitate the activities of the various Divisions and Offices and ensure a consistent baseline of service delivery.

In order to implement this policy, each Deputy Director, Division Director and Office Director will have as an annual performance objective the improvement of public involvement in programs administered by that person.

Approved: _____
C. Heidi Grether, Director

Date: _____